

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application. Please amend claims 1 and 4-6 so that the current status of all claims is as follows:

**Listing of Claims:**

1. (currently amended) A device to form micro discrete indicia on a gemstone comprising:  
a near-field optical device to alter the color in a plurality of areas in a gemstone without ablating the areas to form a micro-discrete indicia image on a surface of the gemstone, the micro-discrete indicia image having a length no greater than about 10 microns and a height no greater than about 2 microns.

~~having a micro-discrete indicia formed on a surface of said gemstone wherein said micro-discrete indicia image was formed using near field optics, wherein said micro-discrete indicia image has a length no greater than about 10 microns and a height no greater than about 2 microns, said gemstone having an altered color at the location loction of said micro-discrete indicia without ablating the surface of said gemstone, said altered color resulting from said near field optics forming said micro-discrete indicia image.~~

2. Cancelled

3. Cancelled

4. (previously presented) [A] The gemstone according to device of claim 1, wherein ~~in~~ said micro-discrete indicia is provided at a predetermined coordinates on said gemstone.

5. (previously presented) [A] The gemstone according to device of claim 1, wherein said micro-discrete indicia provides information with regard to said gemstone.

6. (previously presented) [A] The gemstone according to device of claim 5, wherein said information comprises any of the following:  
size, type, manufacturer, retailer, owner, producer, country of origin, mine.